

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

In the Matter of )

Distribution of )  
Cable Royalty Funds )

CONSOLIDATED DOCKET NO.  
14-CRB-0010-CD/SD  
(2010-2013)

In the Matter of )

Distribution of )  
Satellite Royalty Funds )

**MULTIGROUP CLAIMANTS’ OPPOSITION TO SDC’S “MOTION TO SUPPLEMENT  
MOTION TO DE-DESIGNATE RESTRICTED MATERIALS AND OPPOSITION TO  
MULTIGROUP CLAIMANTS’ EMERGENCY MOTION FOR REMOVAL FROM  
PUBLIC RECORDS AND SANCTIONS AGAINST SDC AND ITS COUNSEL”**

Brian D. Boydston, Esq.  
PICK & BOYDSTON, LLP  
2288 Westwood Blvd., Ste. 212  
Los Angeles, CA 90064

Telephone: (424) 293-0111  
Email: brianb@ix.netcom.com

Attorneys for Multigroup Claimants

Under the guise of a “motion to supplement”, the SDC submits additional briefing with argument in violation of the CRB’s rules of pleading.<sup>1</sup> The SDC motion seeks to provide additional argument in connection with two sets of pleadings, the SDC’s *Motion to De-Designate Restricted Materials*, and the SDC’s response to Multigroup Claimants’ *Emergency Motion for Removal from Public Records and Sanctions Against SDC and its Counsel*.

Frustrated with the collapse of its argument that a bankruptcy petition filed by former WSG owner, non-party Alfred Galaz, somehow warrants refusal to distribute Multigroup Claimants the royalties it has already been awarded -- a position quickly discarded by the very U.S. bankruptcy trustee that SDC counsel Matthew MacLean goaded into interceding in this proceeding based on unsubstantiated allegations<sup>2</sup> – the SDC now purport to supplement the

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1 Multigroup Claimants previously filed its *Motion to Strike* the SDC’s pleading on April 24, 2020.

2 In fact, while Mr. MacLean has coyly minimized his communications with the U.S. bankruptcy trustee as “intermittent correspondence” (see Decl. of M. MacLean at p.11, filed March 27, 2020), Multigroup Claimants has learned that Matthew MacLean strongly encouraged the U.S. bankruptcy trustee to file a motion to intervene in this proceeding on the basis that Alfred Galaz had made false representations regarding his *current* ownership interests in WSG and Multigroup Claimants. Mr. MacLean misrepresented to the U.S. bankruptcy trustee that the Judges issued their *Order to Show Cause* (dated February 24, 2020) “in part on apparently false statements by Mr. [Alfred] Galaz in his statement of assets and liabilities filed with his bankruptcy petition”, even though such order was based on entirely other grounds (failure to report changes of ownership pursuant to 37 CFR § 360.4(c)).

Conveniently, Mr. MacLean never provided the U.S. bankruptcy trustee a copy of the *Order to Show Cause*, and made his representation almost two months *after* he was in receipt of the public, unrestricted declaration of Alfred Galaz that was filed with the Judges. Such declaration, which also was not provided to the U.S. bankruptcy trustee, clarified that Alfred Galaz’s transfer of Multigroup Claimants occurred in January 2018, and further clarified why it was not identified on the original bankruptcy petition. In his zeal to interfere with Multigroup Claimants’ distribution, Mr. MacLean provided the trustee with the contact information of CRB staff, provided information as to how the trustee may affiliate with the eCRB for the purpose of filing such motion to intervene, encouraged the U.S. bankruptcy trustee to file his motion to intervene by a date certain in order to precede any possible distribution to Multigroup Claimants, and even

record with a document that the SDC motion acknowledges has *already* been presented to the Judges by Multigroup Claimants. See SDC motion at 1, citing *Multigroup Claimants’ Reply in Support of Second Motion for Final Distribution of 2010-2013 Satellite Royalty Funds* (Apr. 21, 2020). The SDC then proceed to submit additional argument as to why such document, which merely remedies a long-acknowledged misstatement in the non-party’s original bankruptcy petition, continues to bring into question Multigroup Claimants’ status.

Originally, the SDC complained that the bankruptcy petition filed by former WSG owner, non-party Alfred Galaz was inconsistent with Multigroup Claimants’ representation as to its transfers of ownership because it did not identify Multigroup Claimants. All parties, including Alfred Galaz, Multigroup Claimants, WSG and all its former and present owners and representatives, agreed that the bankruptcy petition was inaccurate as to the transferee of WSG LLC, and nonetheless explained the reasons and circumstances by which Alfred Galaz’s bankruptcy counsel filed the bankruptcy petition without mention of Multigroup Claimants. Notwithstanding, now that Alfred Galaz has amended his bankruptcy petition in order to correct the misidentified transferee of WSG in the original bankruptcy petition, and to clarify the status of Multigroup Claimants’ prior transfer, the SDC persist in complaining, arguing matters that have little or nothing to do with the pleadings that the SDC seeks to “supplement”. That is, the argument submitted by the SDC has little or nothing to do with the issues addressed by the SDC’s motion to de-designate transfer documents (documents that are not identified or attached to the amended bankruptcy petition), and Multigroup Claimants’ motion for sanctions against the

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provided legal advice to the U.S. bankruptcy trustee as to his qualifications for admittance into these proceedings. Such communications were hardly “intermittent” or insubstantial.

SDC and its counsel for revealing information that was submitted pursuant to this proceeding's protective order, and for which no public source of such information existed at the time.

Specifically, the SDC continue to assert that the amended bankruptcy petition continues to "falsely assert" the fair market value of the transferred entities as of January 1, 2018, and has failed to reveal other unrelated transactions. SDC motion at 2. The SDC further assert that the amended petition remains "unreconciled" with WSG's Texas Public Information Reports, and (unidentified) "conflicting representations made to the Judges".

The SDC's position is befuddling. Even if the SDC's accusation were true that former WSG owner, non-party Alfred Galaz has misrepresented the value of the transferred entities as of January 1, 2018, or failed to detail other transactions, it is unclear what the SDC expect the Judges to do in response – insinuate themselves into Alfred Galaz's bankruptcy proceedings?<sup>3</sup> Second, the SDC persist in ignoring the declarations of a half-dozen individuals (including WSG's former accountant) whom uniformly maintain that the Texas Public Information Reports filed for WSG for 2017, 2018, and 2019, were prepared and filed by WSG's former accountant without the knowledge of any WSG representative as part of WSG's tax return preparation, and that WSG and its representatives were unaware of such reports until brought to their attention by the SDC.<sup>4</sup> The evidence submitted by Multigroup Claimants remains without any countervailing evidence submitted by the SDC. Third, in its prototypical manner of making

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3 No different than before, the SDC's argument continues to rely on a total absence of information regarding WSG's operations and finances as the basis for the SDC's unsubstantiated allegations of "fraud", "fraudulent transfers" and "impending fraud", all-the-while conspicuously failing to identify the mythical victim conjured by the SDC and its counsel, Matthew MacLean.

4 The SDC have further asserted that WSG culpability arises by WSG's failure to amend and identify all WSG members for each of the years 2017-2019, an incorrect assertion of a Texas statute that the SDC cited to the Judges, yet conspicuously avoided providing to the Judges. Review of that statute, Tex. Tax Code § 171.203, clearly contradicts the SDC's assertion that

unsubstantiated allegations, the SDC assert that the amended bankruptcy petition “conflicts with representations made to the Judges”, yet conveniently fail to identify to what representations it refers.

As noted in Multigroup Claimants’ *Motion to Strike*, the information contained in the amended bankruptcy petition does not diminish the appropriateness of sanctioning the SDC and, particularly, its counsel Matthew MacLean, for revealing confidential information contained in Multigroup Claimants’ pleadings long prior to the filing of the amended bankruptcy petition, when no aspect of such information was reflected publicly and was expressly designated as “restricted material”. It also cannot be ignored that the very reason that the amended bankruptcy petition was filed by Alfred and Lois Galaz was to address unsubstantiated, defamatory allegations made by SDC counsel Matthew MacLean outside of these proceedings. Indeed, Mr. MacLean and the SDC seek reward for actions taken by non-party Alfred Galaz in response to the very product of Mr. MacLean’s malice.

For the reasons set forth above, and for the reasons set forth in Multigroup Claimants’ *Motion to Strike*, the SDC’s motion should be stricken and disregarded.

Respectfully submitted,

May 7, 2020

\_\_\_\_\_/s/\_\_\_\_\_  
Brian D. Boydston, Esq.  
PICK & BOYDSTON, LLP  
2288 Westwood Blvd., Ste. 212  
Los Angeles, CA 90064  
Telephone: (424) 293-0113  
Email: brianb@ix.netcom.com

Attorneys for Multigroup Claimants

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Texas law requires Public Information Reports to identify all members of any Texas limited liability company.

## CERTIFICATE OF SERVICE

I hereby certify that on this 7th of May, 2020, a copy of the foregoing was filed with the eCRB system, and therefore sent by electronic mail to the parties listed on the attached Service List.

\_\_\_\_\_/s/\_\_\_\_\_  
Brian D. Boydston, Esq.

National Association of Broadcasters (NAB) aka CTV, represented by John Stewart, served via Electronic Service at [jstewart@crowell.com](mailto:jstewart@crowell.com).

MPAA-Represented Program Suppliers (MPAA), represented by Lucy H Plovnick, served via Electronic Service at [lh@msk.com](mailto:lh@msk.com).

Canadian Claimants Group, represented by Victor J Cosentino, served via Electronic Service at [victor.cosentino@larsongaston.com](mailto:victor.cosentino@larsongaston.com).

SESAC Performing Rights, LLC, represented by John C. Beiter, served via Electronic Service at [john@beiterlaw.com](mailto:john@beiterlaw.com).

Public Television Claimants (PTC), represented by Ronald G. Dove Jr., served via Electronic Service at [rdove@cov.com](mailto:rdove@cov.com)

Joint Sports Claimants (JSC), represented by Ritchie T. Thomas, served via Electronic Service at [ritchie.thomas@squirepb.com](mailto:ritchie.thomas@squirepb.com).

Settling Devotional Claimants (SDC), represented by Matthew MacLean, served via Electronic Service at [matthew.maclea@pillsburylaw.com](mailto:matthew.maclea@pillsburylaw.com).

# Proof of Delivery

I hereby certify that on Thursday, May 07, 2020, I provided a true and correct copy of the Multigroup Claimants' Opposition To Sdc's "Motion To Supplement Motion To De-Designate Restricted Materials And Opposition To Ultigroup Claimants' Emergency Motion For Removal From Public Records And Sanctions Against Sdc And Its Counsel" to the following:

Settling Devotional Claimants (SDC), represented by Matthew J MacLean, served via ESERVICE at [matthew.maclean@pillsburylaw.com](mailto:matthew.maclean@pillsburylaw.com)

Public Television Claimants (PTC), represented by Ronald G. Dove Jr., served via ESERVICE at [rdove@cov.com](mailto:rdove@cov.com)

MPA-Represented Program Suppliers (MPA), represented by Gregory O Olaniran, served via ESERVICE at [goo@msk.com](mailto:goo@msk.com)

Canadian Claimants Group, represented by Victor J Cosentino, served via ESERVICE at [victor.cosentino@larsongaston.com](mailto:victor.cosentino@larsongaston.com)

National Association of Broadcasters (NAB) aka CTV, represented by John Stewart, served via ESERVICE at [jstewart@crowell.com](mailto:jstewart@crowell.com)

Joint Sports Claimants (JSC), represented by Michael E Kientzle, served via ESERVICE at [michael.kientzle@apks.com](mailto:michael.kientzle@apks.com)

Signed: /s/ Brian D Boydston